

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 631, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—MRS. SUMMERS' HARMLESS HEADACHE REMEDY.

On or about February 3, 1909, Gabriel R. Summers, doing business as Vanderhoof & Co., South Bend, Ind., shipped from the State of Indiana to the State of Michigan a drug product labeled "Mrs. Summers' Harmless Headache Remedy." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Gabriel R. Summers and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 7, 1910, an indictment was returned against Gabriel R. Summers by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for said district, charging the above shipment, and alleging that the product so shipped was misbranded, in that the statement "harmless headache remedy" printed on the container thereof was false and misleading, because the said drug was not a harmless remedy, but in truth and in fact was injurious to health, for the reason that said drug contained caffein, acetanilid, camphor, and sodium salicylate.

On May 17, 1910, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *October 6, 1910.*

